

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE and CHARLOTTE DIVISIONS
DOCKET NOS. 1:05-cr-00253 and 3:06-cr-152

UNITED STATES OF AMERICA,)
)
vs.)
)
KHARI ATIBA MERRITT,)
)
Defendant.)
)
_____)

ORDER

THIS MATTER is before the Court on the parties' Joint Motion for Time-Served Sentence (Doc. No. 29, 1:05-cr-253; Doc. No. 37, 3:06-cr-152). Defendant Merritt is represented by Joshua B. Carpenter from the Office of the Federal Public Defender for the Western District of North Carolina.

On May 18, 2018, this Court granted Merritt's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and ordered that he be resentenced on all counts of conviction in light of Johnson v. United States, 135 S. Ct. 2551 (2015).

On June 26, 2018, the Probation Office filed a supplemental presentence report that calculated an advisory guidelines range of 77 to 96 months. The Probation Office also reported that Merritt has already served 164 months as of June 20, 2018.

In light of these circumstances, and after reviewing the parties' joint motion, the Court agrees with both parties that a resentencing hearing is unnecessary and that a sentence of Time Served is warranted under the sentencing factors set forth in 18 U.S.C. § 3553(a).

IT IS, THEREFORE, ORDERED that:

- (1) The parties' Joint Motion for Time-Served Sentence (Doc. No. 29, 1:05-cr-253; Doc. No. 37, 3:06-cr-152) is **GRANTED**.

- (2) Defendant Merritt is therefore **ORDERED** released from the custody of the United States Bureau of Prisons within five (5) days of this Order.
- (3) The Clerk of Court is directed to certify copies of this Order to counsel for the Government, counsel for the Defendant, the United States Bureau of Prisons, the United States Marshals Service, and the United States Probation Office.

IT IS SO ORDERED.

Signed: July 17, 2018



Frank D. Whitney
Chief United States District Judge

